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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 | MARK SNOOKAL, an individual,

) CASE NO.: 2:23-cv-6302-HDV-AJR

14 Plaintiff,

) **SUPPLEMENTAL DECLARATION OF
OLIVIA FLECHSIG IN SUPPORT OF
PLAINTIFF MARK SNOOKAL'S REPLY
TO DEFENDANT CHEVRON USA,
INC'S OPPOSITION TO PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES AND
COSTS**

17 CHEVRON USA, INC., a California
18 Corporation, and DOES 1 through 10,
inclusive,

) COSTS

Defendants.

-) District Judge: Hon. Hernan D. Vera
-) Magistrate Judge: Hon. A. Joel Richlin
-) Action Filed: August 3, 2023

21) Trial Date: August 19, 2025
22)
23) Hearing Date: November 13, 2025
) Hearing Time: 10:00 a.m.
) Courtroom: 5B

) Hearing Date: November 13

) Hearing Time:

) Courtroom: 5B

) Courtroom: 3B
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SUPPLEMENTAL DECLARATION OF OLIVIA FLECHSIG

I, OLIVIA J. FLECHSIG, declare as follows:

1. I am an attorney duly licensed to practice in the State of California and in the Central District of California. If called as a witness, I could and would competently testify to the following facts based upon my own personal knowledge.

2. This declaration is being filed in support of Plaintiff Mark Snookal's Reply in Support of Plaintiff's Motion for Attorneys' Fees and Costs.

Sheppard Mullin's Attorneys' and Paralegals' Billing Rates

3. Given that Defendant has challenged my colleagues' and my hourly rates in its Opposition to Plaintiff's Motion for Attorneys' Fees and Costs, I searched for and found filings concerning Sheppard Mullin's recent hourly rates in the case *Maria Torres v. Southern California Permanente Medical Group et al.* ("the SCPMG matter") (LASC Case No. 19STCV42476). These rates exceed those requested by my colleagues and me relative to our years of experience, especially when adjusted for time since these were their rates from over two years ago.

4. Attached hereto as **Exhibit 1** is a true and correct copy of the Declaration of Gal Gressel in Support of Defendant Southern California Permanente Medical Group's Motion for Terminating Sanctions or Issue and Evidence Sanctions; And Monetary Sanctions against Plaintiff and Her Counsel in the Amount of \$154,577 in the SCPMG matter.

5. In reviewing the filings in this case, it appears that the SPCMG matter involved, as here, a single-plaintiff, employment disability discrimination case. In Gressel’s Declaration from April 2023, Gressel attests to being an attorney with Sheppard Mullin Richter & Hampton LLP. (Exhibit 1 at ¶ 1). Gressel further attests that “Babak Yousafzadeh, a partner at [Sheppard Mullin], has been practicing law in California for over eighteen years, and is a labor and employment specialist. . . Mr. Yousafzadeh’s regularly hourly rate during the pendency of this litigation are as follows: \$860/hr in 2020; \$925/hr in 2021; \$985/hr in 2022; and \$1,065/hr in 2023.” (Exhibit 1 at ¶ 27).

6. Gessel further attests that Sheppard Mullin's associate, "John Jung has been practicing law in California for over five years, and is also an employment specialist in the labor

1 and employment group of Sheppard Mullin. Mr. Jung’s regular hourly rate in 2022, at the time he
2 performed the relevant work on this matter, was \$715 per hour.” (Exhibit 1 at ¶ 29). Notably,
3 although the Gessel Declaration states that Jung was “practicing law in California for over five
4 years, according to the California State Bar attorney search, the only licensed attorney in
5 California with this name did not actually join the California Bar until September of 2023.

6 7. Moreover, the declaration notes that the Sheppard Mullin paralegals which assisted
7 on this matter had “rates from \$205 per hour to \$385 per hour from 2020 to 2023.” (Exhibit 1 at
8 ¶ 30).

Plaintiff's First *Ex Parte* Application

10 8. Defendant further asserts in its Opposition to Plaintiff's Motion for Attorneys' Fees
11 and Costs that Plaintiff's First *Ex Parte* Application was unnecessary and that "Dr. Stephen
12 Frangos, the doctor who was the focus of Plaintiff's belated attempts to reopen discovery, was not
13 an unknown witness, and Plaintiff had made no efforts at all to take discovery regarding Dr.
14 Frangos until after discovery close. [citation] Indeed, as Plaintiff's counsel is well aware, and
15 disingenuously failed to acknowledge in the moving papers, due to a medical condition, Dr.
16 Frangos was medically incapable of testifying at deposition and could not provide any new or
17 material information regarding this case." (Defendant's Opposition at p. 5:4-10.) This is false.

18 9. For one thing, the Court already ruled in Plaintiff's favor on his Plaintiff's *Ex Parte*
19 Application to Take Further Discovery on November 27, 2024, noting agreement that Defendant
20 "failed to identify a key witness in Interrogatory responses," "delayed in producing relevant
21 documents until the eve of crucial depositions;" and that Defendant's "dilatory tactics negatively
22 affected Plaintiff's ability to take discovery on issues central to Chevron's pending motion for
23 summary judgment." The Court "[wa]s not persuaded that Defendants' (sic) delays were necessary
24 or reasonable." (Dkt 37). In partially granting Plaintiff's *Ex Parte*, the Court reopened discovery
25 for 90 days and continued the trial. (Dkt 38).

26 10. Again, as was partially the basis for Plaintiff's first *Ex Parte* Application, Dr.
27 Frangos was never revealed as a witness involved in the decision regarding Plaintiff's fitness for
28 duty in Escravos, Nigeria.

1 11. After the Court re-opened discovery, I met and conferred with Defense counsel
2 numerous times to ask whether they would accept service of a deposition notice of Dr. Frangos.

3 12. Months later, on February 10, 2025, Ms. Kennedy emailed a doctor's note stating
4 that Dr. Frangos would be unable to testify due to an ongoing health issue. Though we decline to
5 include the original doctor's note here out of respect for Dr. Frangos' privacy, attached hereto as
6 **Exhibit 2** is a true and correct copy of the February 10, 2025 email in which Ms. Kennedy sent
7 said doctor's note as an attachment.

8 13. After finally receiving this (novel) information from Defense counsel, we made no
9 further efforts to elicit Dr. Frangos' testimony.

10 14. Moreover, the result of Plaintiff's first *Ex Parte* Application yielded extensive
11 additional key discovery that was not just about Dr. Frangos. Following Plaintiff's First *Ex Parte*
12 Application (and before Defendant's further discovery gamesmanship necessitated a second *Ex*
13 *Parte*), Defendant produced *over 600 pages of additional documents*, many of which were used
14 as critical Exhibits at trial including Exhibits 19, 24, 39, 46, 48, 70, 74-75, 78-79, 84, 92-94, 97,
15 132, 155-156. These Exhibits include critical information such as email discussions of Mr.
16 Snookal's fitness for duty by employees of Chevron Nigeria, policies governing Chevron's
17 rotational expatriate assignments and compensation for same, and so on.

18 15. Further still, because Defendant had withheld extensive discovery until after we
19 had already finished briefing Plaintiff's opposition to Defendant's (first) Motion for Summary
20 judgment, we had to expend numerous additional hours of attorney and staff time to prepare and
21 file novel briefing to oppose Defendant's (second) Motion for Summary Judgment using this new
22 information.

23 **Plaintiff's Second *Ex Parte* Application**

24 16. Even after the Court noted its disapproval of Defendant's "dilatory tactics" in its
25 ruling on Plaintiff's first *Ex Parte*, Defendant's dilatory tactics continued and escalated and
26 created extensive additional work for Plaintiff's counsel. Nonetheless, Defendant asserts in its
27 opposition that the *Ex Parte* was a waste of attorney time and resources.

28 16. On January 16 2025; February 11, 2025; February 24, 2025; February 27, 2025;

1 and March 5, 2025, I requested in writing that Defendant's counsel provide their upcoming
2 availability for an Informal Discovery Conference so that I could provide the Honorable A. Joel
3 Richlin with "proposed times mutually agreed upon by the parties for the conference via Zoom"
4 pursuant to his pre-motion procedures. Defense counsel entirely ignored or refused my five written
5 requests (along with the additional times I raised this request orally during our meet and confer
6 calls).

7 17. Defense counsel also agreed to supplement Interrogatory and Request for
8 Production responses in writing prior to the close of discovery, then for failed to do so over a
9 course of months until fact discovery had closed for the second time.

The Results of Plaintiff's Second *Ex Parte* Application

11 18. After Plaintiff's Second *Ex Parte* Application, Magistrate Judge Joel Richlin
12 ordered an Informal Discovery Conference (IDC) to be held on April 9, 2025. Following this IDC,
13 Judge Richlin ordered Defendant to produce supplemental responses to sixteen (16) of Plaintiff's
14 Requests for Production (many of which Plaintiff served nearly a year prior), as well as a privilege
15 log to same. Judge Richlin also ordered Defendant to provide a supplemental response to
16 Interrogatory No. 32 and to produce Dr. Adeyeye to complete his deposition (something that
17 Defense counsel had already stipulated to, and which Plaintiff's counsel followed up about to no
18 avail for months). (Dkt 51).

19 19. Judge Richlin held a further IDC on April 28, 2025 and as a result, ordered
20 Defendant to produce further discovery, including, *inter alia*, information regarding Chevron
21 USA’s relationship with Chevron Nigeria and to verify the completeness of its supplemental
22 production. And, given Defendant’s repeated delays, Judge Richlin noted that “failure to meet [the
23 Court’s] deadline will subject Defendant to sanctions.” (Dkt. 55).

24 20. In total, following Plaintiff's second *Ex Parte* Application, Defendant
25 subsequently produced *over 1,500 pages of additional documents*, many of which were used as
26 critical Exhibits at trial including Exhibits 14, 35-37, 46, 81, 89, 137, 139, 142, 143. We also were
27 able to finish Dr. Victor Adeyeye's deposition thanks to Judge Richlin's order that Defendants to
28 make him available in short order. Dr. Adeyeye was a witness called at trial and as one of

1 | Chevron's cardiologists who opined on Mr. Snookal's heart condition.

2 21. Ultimately, Judge Richlin denied the *Ex Parte* “as moot,” and not on the merits.
3 Indeed, given Defendant delayed in producing discovery (despite its promises to the contrary, and
4 after *hours* spent meeting and conferring to no avail), an *Ex Parte* application was last resort to
5 obtain this discovery.

Plaintiff's Extensive Efforts to Schedule Depositions

7 22. Defendant also claims in its Opposition that Plaintiff somehow delayed in taking
8 depositions. To the contrary, Plaintiff first timely noticed depositions of Defense witnesses
9 Andrew Powers, Dr. Eshiofe Asekomeh, Dr. Scott Levy, Thalia Tse on July 11, 2024. Plaintiff
10 further first noticed the depositions of Drs. Ujimoti Akintunde and Victor Adeyeye on September
11 16, 2024. To the extent that depositions were taken much later than originally noticed, it was
12 because of Defendant’s dilatory tactics in making essential document discovery available and
13 making witness available, not due to Plaintiff’s delays.

14 22. For example, Ms. Leal and I followed-up with defense counsel *extensively* to obtain
15 Dr. Adeyeye's availability to conclude his deposition. We sent no fewer than *nine emails* to this
16 effect to Defendant's counsel on November 14, 2024; December 3, 2024; December 10, 2024;
17 December 12, 2024; January 6, 2025; January 10, 2025, January 14, 2025; January 28, 2025; and
18 February 18, 2025. Many of these times, Defense counsel did not respond at all, and Judge Richlin
19 ultimately had to order that Defendant make Dr. Adeyeye available for his deposition.

21 I declare under penalty of perjury under the State of California and federal law that the
22 foregoing is true and correct.

24 || Executed this 30th day of October in Long Beach, California.


Olivia Flehsig